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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/686,932	10/16/2003	David Michel	1512.2.135	4577

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EXAMINER

TORRES, ALICIA M

ART UNIT

PAPER NUMBER

3671

DATE MAILED: 07/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/686,932

Applicant(s)

MICHEL, DAVID

Examiner

Alicia M Torres

Art Unit

3671

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) _____ is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>12/03, 2/04</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hightower in view of Reutter, as cited by Applicant.

Hightower discloses a grass grooming brush arrangement which can be coupled with a propelling vehicle and which comprises:

a central main frame (12) carrying a set of brushes;

a pair of wing frames (11) each mounted on an adjacent side of the main frame (12) and carrying its own set of brushes;

a first adjustment device (9, 14, 16, 18) connecting each wing frame (11) to the main frame (12) for folding movement between an operative position and a raised transport position of reduced overall width of the apparatus, as per claim 1; and

wherein the actuator is coupled with the wing frames (11) via a tensile link (9, 14, 16, 18), as per claim 3; and

in which the tensile link (9, 14, 16, 18) comprises an arrangement of pulleys (8, 14, 16) mounted on the frame (12) of the apparatus and cables (9) coupled at one end to an actuator rod (18), and coupled at their opposite end, to connections with the wing frames (11), as per claim 4.

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However, Hightower fails to disclose a supporting wheel set arranged to support the main frame;

a second adjustment device mounting the wheel set on the main frame for movement between a ground engaging transport position of the apparatus, and a raised position allowing the brush sets to carry out brushing operations on the ground; and

a driving device coupled with the first and second adjustment devices and operative to adjust the wheel set at the same time as the wing frames are adjusted, as per claim 1; and

in which the driving device means comprises a single actuator, as per claim 2; and

in which the actuator is coupled with the wheel set via a pivoting cradle mounted pivotally on the main frame, as per claim 3.

Reutter discloses a similar device including a supporting wheel set (9) arranged to support the main frame (2);

a second adjustment device (not shown) mounting the wheel set (9) on the main frame (2) for movement between a ground engaging transport position of the apparatus, and a raised position allowing the brush sets to carry out brushing operations on the ground; and

a driving device (7) coupled with the first (6) and second (not shown) adjustment devices and operative to adjust the wheel set (9) at the same time as the wing frames (5a, 5b) are adjusted, as per claim 1; and

in which the driving device means (7) comprises a single actuator, as per claim 2; and

in which the actuator (7) is coupled with the wheel set (9) via a pivoting cradle mounted pivotally on the main frame (2), as per claim 3.

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It would have been obvious to one having ordinary skill in the art at the time the invention was made to include the driving device of Reutter on the brush apparatus of Hightower in order to reduce manual effort when converting between positions.

3. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hightower and Reutter as applied to claim 1 above, and further in view of Davis, as cited by Applicant.

The device is disclosed as applied above. However, the combination fails to disclose in which the main frame has transversely extending and longitudinally space support beams and, each provided with mounting brackets, to enable a draw bar to be coupled with one or the other of the beams, depending upon the required pulling direction of the apparatus.

Davis discloses a similar device in which the main frame (14) has transversely extending and longitudinally spaced support beams (22, 23) and, each provided with mounting brackets (41-44), to enable a draw bar (15) to be coupled with one or the other of the beams, depending upon the required pulling direction of the apparatus.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to include the opposite mounting brackets of Davis on the device of Hightower and Ruetter in order to tow in opposite directions.

Conclusion

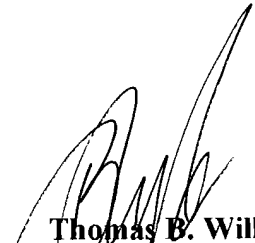
4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Truan et al., Hudgins, and Adee have been cited as of interest.

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5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alicia M. Torres whose telephone number is 703-305-6953. The examiner can normally be reached Monday through Thursday from 7:00 a.m. – 4:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas B. Will, can be reached at 703-308-3870.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the group receptionist whose telephone number is 703-305-1113. The fax number for this Group is 703-872-9306.



Thomas B. Will
Supervisory Patent Examiner
Group Art Unit 3671

AMT
July 1, 2004